

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 70 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GO RAVAL DRAFTSMAN,

Versus

STATE OF GUJARAT

Appearance:

MR IS SUPEHIA for Petitioner
Mr.Digant P. Joshi, ASSTT GOVERNMENT PLEADER for
Respondent No. 1, 3
MS SEJAL K MANDAVIA for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 27/04/2000

ORAL JUDGEMENT :

This Court had issued notice on 11.1.2000. After
number of adjournments, respondent no.1 filed a reply on
15.3.2000. For the present, Mr.Supehia, learned advocate

for the petitioner is restricting his challenge to the impugned order, dated 15.10.1996, Annexure 'C' to the petition on the ground that the same was not passed after granting personal hearing. Hence the same is in violation of principles of natural justice and is required to be quashed. Mr.Joshi, AGP is not able to point out anything which will go to show that the order is passed after affording an opportunity of hearing to the petitioner. Therefore, the petitioner is to succeed on this ground alone. As regards the other prayer of the petitioner about striking down of para 8 of the Govt. Resolution dated 12.5.1995, it is not pressed at this stage. The petitioner may press that contention, if the same is available to him after the authority passes a fresh order after granting an opportunity of hearing. Only on this short point, the petition is allowed.

2. Impugned order dated 15.10.1996 is quashed and set aside. The orders passed consequent to that order shall be of no effect. However, it is made clear that recovery, if any, already made by the department will not be refunded by the department to the petitioner and the same will be subject to final outcome in the matter. The authorities will be at liberty to make further recovery only after final adjudication of the matter.

3. The petition is allowed. Rule is made absolute to the above extent only with no order as to costs.

27th April 2000 (Ravi R. Tripathi, J.)

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